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 L.A. GEM & JEWELRY DESIGN, INC.

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

L.A. GEM & JEWELRY DESIGN,
 INC., a California Corporation,

Plaintiff,

vs.

) Case No.:

) **COMPLAINT FOR:**

) **1. COPYRIGHT INFRINGEMENT;**

) **2. CONTRIBUTORY AND/OR
 VICARIOUS COPYRIGHT
 INFRINGEMENT**

) **JURY TRIAL DEMANDED**

ROBIN MILLIMAN, an individual, dba)
 EMMASANGELS; MISTY PELLEW)
 aka MISTY MEAD, an individual, dba)
 THEPEAPODSHOP; SONAL JETANI,)
 an individual, dba SONUDESIGNS;)
 GABRIELLE MCGREW, an)
 individual, dba SIMPLEDESIGNGM;)
 SIJIA YU, an individual, dba LANA)
 PARA; LANA PARA, INC., a New)
 York Corporation; AISIN CATHAY,)
 INC., an inactive New York)
 Corporation; KINDERE & COMPANY)
 CORPORATION, a New York)
 Corporation; KATHIE YANG, an)
 individual, dba KATTEESHOP;)
 DIANA ELLIS, an individual, dba)
 JADOOS; WIWANYA SUSSDORF)

1 aka VICKY S., an individual, dba)
 2 GREATTLAKESSHOP; GIOVANNI)
 3 ALLER, an individual, dba)
 4 FIOANDCO; HANG TRAN SOK, an)
 5 individual, dba)
 6 CREATIVECHARMS4U; BEATRIZ)
 7 ROBINSON, an individual, dba)
 8 CAMAFEUS; CHILIANG LIU, an)
 9 individual, dba BOBO4957; ARIEL)
 10 FLEISCHMAN, an individual, dba)
 11 ADORNEDWITHLOVEXO; TARA)
 12 SAM aka TARA BLING aka TARA)
 13 SHAH, an individual, dba)
 14 THEBLINGSTORE; and DOES 1-10;)
 15)
 16 Defendants.)

13 Plaintiff L.A. Gem & Jewelry Design, Inc. ("LA Gem") by and through its
 14 undersigned attorney, sues Defendants Robin Milliman dba EmmasAngels, Misty Pellew
 15 aka Misty Mead dba ThePeapodShop, Sonal Jetani dba SonuDesigns, Gabrielle McGrew
 16 dba SimpleDesignGM, Sijia Yu dba Lana Para, Lana Para, Inc., Aisin Cathay, Inc.,
 17 Kindere & Company Corporation, Kathie Yang dba KatteeShop, Diana Ellis dba Jadoos,
 18 Wiwanya Sussdorf aka Vicky S. dba GreatLakesShop, Giovanni Aller dba FioandCo,
 19 Hang Tran Sok dba CreativeCharms4U, Beatriz Robinson dba Camafeus, Chiliang Liu
 20 dba Bobo4957, Ariel Fleischman dba AdornedWithLoveXO, Etsy Seller Tara Sam aka
 21 Tara Bling aka Tara Shah dba TheBlingStore, and Does 1-10 and alleges:

22 **JURISDICTION AND VENUE**

23
 24 1. This action arises under the laws of the United States and the Copyright Act
 25 of 1976 (17 U.S.C. § 101, *et seq.*), and as such, the Court has subject matter jurisdiction
 26 over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

27 2. Venue is proper in this judicial district pursuant to 28 U.S.C. §§1391(b), (c),
 28 and 1400(a) because Defendants conduct business in this District by advertising in and

1 shipping goods to this District, and a substantial part of the events or omissions giving
2 rise to the claim occurred in this District.

3 **THE PARTIES**

4 3. Plaintiff LA Gem is a California corporation having a place of business at
5 659 S. Broadway, Los Angeles, California 90014. LA Gem also conducts business under
6 its LA Rocks service mark and trademark.

7 4. Upon information and belief, Defendant Robin Milliman dba EmmasAngels
8 (hereinafter “Milliman”) is and at all times herein mentioned was an individual residing
9 in the state of Illinois, and does business in and with the State of California and, in
10 particular, within this District.

11 5. Upon information and belief, Defendant Misty Pellew aka Misty Mead dba
12 ThePeapodShop (hereinafter “Pellew”) is and at all times herein mentioned was an
13 individual residing in the state of Pennsylvania, a principal and/or owner of
14 ThePeapodShop, and does business in and with the State of California and, in particular,
15 within this District.

16 6. Upon information and belief, Defendant Sonal Jetani dba SonuDesigns
17 (hereinafter “Jetani”) is and at all times herein mentioned was an individual residing in
18 the state of Texas, a principal and/or owner of SonuDesigns, and does business in and
19 with the State of California and, in particular, within this District.

20 7. Upon information and belief, Defendant Gabrielle McGrew dba
21 SimpleDesignGM (hereinafter “McGrew”) is and at all times herein mentioned was an
22 individual residing in the state of Washington, a principal and/or owner of
23 SimpleDesignGM, and does business in and with the State of California and, in
24 particular, within this District.

25 8. Upon information and belief, Defendant Sijia Yu (hereinafter “Yu”) is and at
26 all times herein mentioned was an individual residing in the state of New York, a
27 principal and/or owner of the Lana Para Etsy store and Lana Para, Inc., and does business
28 in and with the State of California and, in particular, within this District. Plaintiff is

1 further informed and believes, and upon that basis alleges, that Yu is a principal, guiding
 2 spirit, and/or central figure in Defendant Lana Para, Inc. and has control over the day to
 3 day operations thereof, and directly benefits from the tortious conduct alleged herein.

4 9. Upon information and belief, Defendant Lana Para, Inc. (hereinafter “Lana
 5 Para”) is a New York Corporation with its principal place of business located at 1 River
 6 Place Apartment 2517, New York, New York 10036, and Lana Para does business in and
 7 with the State of California and, in particular, within this District.

8 10. Upon information and belief, Defendant Aisin Cathay, Inc. (hereinafter
 9 “Aisin Cathay”) is a New York Corporation with its principal place of business located at
 10 6544 Woodside Avenue, Unit 1, Woodside, New York 11377, and Aisin Cathay does
 11 business in and with the State of California and, in particular, within this district.

12 11. Upon information and belief, Defendant Kindere & Company Corporation
 13 (hereinafter “Kindere”) is a New York corporation with its principal place of business
 14 located at 14502 34th Avenue, Apartment 1, Flushing, New York 11254, and Kindere
 15 does business in and with the State of California and, in particular, within this District.
 16 Plaintiff is further informed and believes, and upon that basis alleges, that a relationship
 17 exists between Kindere and Aisin Cathay that at the present state is unknown, and
 18 Kindere is a principal, guiding spirit, and/or central figure in Aisin Cathay, has control
 19 over the day to day operations thereof, and directly benefits from the tortious conduct
 20 alleged herein.

21 12. Upon information and belief, Defendant Kathie Yang dba KatteeShop
 22 (hereinafter “Yang”) is and at all times herein mentioned was an individual residing in
 23 the state of California, a principal and/or owner of KatteeShop, and does business in and
 24 with the State of California and, in particular, within this District.

25 13. Upon information and belief, Defendant Diana Ellis dba Jadoos (hereinafter
 26 “Ellis”) is and at all times herein mentioned was an individual residing in the state of
 27 New York, a principal and/or owner of Jadoos, and does business in and with the State of
 28 California and, in particular, within this District.

1 14. Upon information and belief, Defendant Wiwanya Sussdorf aka Vicky S.,
 2 dba GreatLakesShop (hereinafter “Sussdorf”) is and at all times herein mentioned was an
 3 individual residing in the state of Illinois, a principal and/or owner of GreatLakesShop,
 4 and does business in and with the State of California and, in particular, within this
 5 District.

6 15. Upon information and belief, Defendant Giovanni Aller dba FioandCo
 7 (hereinafter “Aller”) is and at all times herein mentioned was an individual residing in the
 8 state of New York, a principal and/or owner of FioandCo, and does business in and with
 9 the State of California and, in particular, within this District.

10 16. Upon information and belief, Defendant Hang Tran Sok dba
 11 CreativeCharms4U (hereinafter “Tran Sok”) is and at all times herein mentioned was an
 12 individual residing in the state of California, a principal and/or owner of
 13 CreativeCharms4U, and does business in and with the State of California and, in
 14 particular, within this District.

15 17. Upon information and belief, Defendant Beatriz Robinson dba Camafeus
 16 (hereinafter “Robinson”) is and at all times herein mentioned was an individual residing
 17 in the state of Tennessee, a principal and/or owner of Camafeus, and does business in and
 18 with the State of California and, in particular, within this District.

19 18. Upon information and belief, Defendant Chiliang Liu dba Bobo4957
 20 (hereinafter “Liu”) is and at all times herein mentioned was an individual residing in the
 21 state of Florida, a principal and/or owner of Bobo4957, and does business in and with the
 22 State of California and, in particular, within this District.

23 19. Upon information and belief, Defendant Ariel Fleischman dba
 24 AdornedWithLoveXO (hereinafter “Fleischman”) is and at all times herein mentioned
 25 was an individual residing in the state of New York, a principal and/or owner of
 26 AdornedWithLoveXO, and does business in and with the State of California and, in
 27 particular, within this District.

28 20. Upon information and belief, Defendant Etsy Seller Tara Sam aka Tara

1 Bling aka Tara Shah dba TheBlingStore (hereinafter “Tara Sam”) is and at all times
 2 herein mentioned was an individual residing in the state of Pennsylvania, a principal
 3 and/or owner of TheBlingStore, and does business in and with the State of California and,
 4 in particular, within this District.

5 21. Defendants Does 1 through 10, inclusive, are other parties not yet identified
 6 who have infringed LA Gem’s copyrights, have contributed to the infringement of LA
 7 Gem’s copyrights, or have engaged in one or more of the wrongful acts alleged herein.
 8 The true names, whether corporate, individual, or otherwise of Does 1 through 10,
 9 inclusive, are presently unknown to LA Gem, and therefore, are being sued by such
 10 fictitious names, and LA Gem will seek leave to amend this Complaint to include their
 11 true names and capacities when the same have been ascertained.

12 22. LA Gem is informed and believes, and on that basis alleges, that at all times
 13 relevant to this action, each of the Defendants was the agent, affiliate, officer, director,
 14 manager, principal, alter-ego, and/or employee of the remaining Defendants and was at
 15 all times acting within the scope of such agency, affiliation, alter-ego relationship and/or
 16 employment, and actively participated in or subsequently ratified and adopted, or both,
 17 each and all of the acts or conduct alleged herein with full knowledge of each and every
 18 violation of LA Gem’s rights and the damages to LA Gem proximately caused thereby.

19 **FACTS COMMON TO ALL COUNTS**

20
 21 23. LA Gem is a designer and creator of jewelry whose jewelry pieces are sold
 22 by numerous national retailers.

23 24. LA Gem is the designer and creator of the original artwork (as hereinafter
 24 described), all prior to Defendants’ conduct complained of herein.

25 25. Upon information and belief, Defendants Milliman, Pellew, Jetani, McGrew,
 26 Yu, Lana Para, Aisin Cathay, Kindere, Yang, Ellis, Sussdorf, Aller, Tran Sok, Robinson,
 27 Liu, Fleischman, and/or Tara Sam are retailers, manufacturers, and/or distributors of
 28 jewelry to the jewelry industry, and are in the business of manufacturing, marketing, and

1 selling jewelry products that are available for purchase and use across the United States,
2 including in this District.

3
4 **COMMON ALLEGATIONS RELATED TO**
5 **MOON PENDANT NO. 1**

6 26. In 2011, LA Gem created its original design entitled LA Rocks I Love You
7 to the Moon and Back: 440811 ("Moon Pendant No. 1"), as pictured below:



12 27. Thereafter, LA Gem sought to register the copyright in Moon Pendant No. 1
13 with the United States Copyright Office, and was granted such registration on November
14 21, 2013, under Registration No. VA 1-912-320.

15 28. At all relevant times, LA Gem complied in all respects with the Copyright
16 Act, 17 U.S.C. § 101, *et seq.*, and secured the exclusive rights and privileges in and to
17 Moon Pendant No. 1. Moon Pendant No. 1 is an original work copyrightable under the
18 Copyright Act, and has been registered in full compliance with the Copyright Act.

19 29. Since the creation of Moon Pendant No. 1, LA Gem has been and still is the
20 sole proprietor of all rights, title, and interest in and to the copyright therein and
21 Certificates of Registration corresponding therewith.

22 30. Since its creation, Moon Pendant No. 1 has been manufactured and/or
23 distributed by LA Gem or under its authority.

24 31. LA Gem has not authorized Defendants to copy, reproduce, manufacture,
25 duplicate, disseminate, or distribute Moon Pendant No. 1 or any jewelry products
26 substantially similar thereto.

27 32. Upon information and belief, Defendants Milliman, Pellew, Jetani, McGrew,
28 Yu, Lana Para, Aisin Cathay, Kindere, Yang, Ellis, Sussdorf, Aller, Tran Sok, Robinson,

1 Liu, and Fleischman have engaged in the marketing, manufacture, distribution,
2 duplication, and/or sale of infringing copies of Moon Pendant No. 1.

3 33. Upon information and belief, Defendants Milliman, Pellew, Jetani, McGrew,
4 Yu, Lana Para, Aisin Cathay, Kindere, Yang, Ellis, Sussdorf, Aller, Tran Sok, Robinson,
5 Liu, and Fleischman have sold unauthorized and infringing copies of at least Moon
6 Pendant No. 1, which bear a design that is substantially similar – if not strikingly similar
7 – to the authentic Moon Pendant No. 1 at retail, at wholesale, and through retailers,
8 including the Etsy.com, Bonanza.com and lanapara.us. The infringement is so brazen
9 that it copies LA Gem’s Designer’s cursive handwriting. All of the foregoing acts
10 occurred without LA Gem’s consent.

11 34. Upon information and belief, Defendants Milliman, Pellew, Jetani, McGrew,
12 Yu, Lana Para, Aisin Cathay, Kindere, Yang, Ellis, Sussdorf, Aller, Tran Sok, Robinson,
13 Liu, and Fleischman have sold the unauthorized infringing copies of Moon Pendant No. 1
14 to the public, and customers in this district, at retail, at wholesale, and through retailers,
15 including Etsy.com, Bonanza.com and lanapara.us.

16
17 **COMMON ALLEGATIONS RELATED TO**
18 **MOON PENDANT NO. 2**

19 35. In 2009, LA Gem created its original design entitled LA Rocks I Love You
20 to the Moon and Back: 625603 (“Moon Pendant No. 2”), as pictured below:



25 36. Thereafter, LA Gem sought to register the copyright in Moon Pendant No. 2
26 with the United States Copyright Office, and was granted such registration on November
27 26, 2013, under Registration No. VA 1-912-297.

28 37. At all relevant times, LA Gem complied in all respects with the Copyright

1 Act, 17 U.S.C. § 101, *et seq.*, and secured the exclusive rights and privileges in and to
 2 Moon Pendant No. 2. Moon Pendant No. 2 is an original work copyrightable under the
 3 Copyright Act, and has been registered in full compliance with the Copyright Act.

4 38. Since the creation of Moon Pendant No. 2, LA Gem has been and still is the
 5 sole proprietor of all rights, title, and interest in and to the copyright therein and
 6 Certificates of Registration corresponding therewith.

7 39. Since its creation, Moon Pendant No. 2 has been manufactured and/or
 8 distributed by LA Gem or under its authority.

9 40. LA Gem has not authorized Defendants to copy, reproduce, manufacture,
 10 duplicate, disseminate, or distribute Moon Pendant No. 2 or any jewelry products
 11 substantially similar thereto.

12 41. Upon information and belief, Defendants Aisin Cathay and Kindere have
 13 engaged in the marketing, manufacture, distribution, duplication, and/or sale of infringing
 14 copies of Moon Pendant No. 2.

15 42. Upon information and belief, Defendants Aisin Cathay and Kindere have
 16 sold unauthorized and infringing copies of at least Moon Pendant No. 2, which bear a
 17 design that is substantially similar – if not strikingly similar – to the authentic Moon
 18 Pendant No. 2 at retail, at wholesale, and through retailers, including Etsy.com. The
 19 infringement is so brazen that it copies LA Gem’s Designer’s handwriting. All of the
 20 foregoing acts occurred without LA Gem’s consent.

21 43. Upon information and belief, Defendants Aisin Cathay and Kindere have
 22 sold the unauthorized infringing copies of Moon Pendant No. 2 to the public, and
 23 customers in this district, at retail, at wholesale, and through retailers, including
 24 Etsy.com.

25
 26 **COMMON ALLEGATIONS RELATED TO**
 27 **MOON PENDANT NO. 3**

28 44. In 2014, LA Gem created its original design entitled LA Rocks I Love You

1 to the Moon and Back: 453071 (“Moon Pendant No. 3”), as pictured below:



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6 45. Thereafter, LA Gem sought to register the copyright in Moon Pendant No. 3
7 with the United States Copyright Office, and was granted such registration on December
8 24, 2014, under Registration No. VA 1-942-726.

9 46. At all relevant times, LA Gem complied in all respects with the Copyright
10 Act, 17 U.S.C. § 101, *et seq.*, and secured the exclusive rights and privileges in and to
11 Moon Pendant No. 3. Moon Pendant No. 3 is an original work copyrightable under the
12 Copyright Act, and has been registered in full compliance with the Copyright Act.

13 47. Since the creation of Moon Pendant No. 3, LA Gem has been and still is the
14 sole proprietor of all rights, title, and interest in and to the copyright therein and
15 Certificates of Registration corresponding therewith.

16 48. Since its creation, Moon Pendant No. 3 has been manufactured and/or
17 distributed by LA Gem or under its authority.

18 49. LA Gem has not authorized Defendants to copy, reproduce, manufacture,
19 duplicate, disseminate, or distribute Moon Pendant No. 3 or any jewelry products
20 substantially similar thereto.

21 50. Upon information and belief, Defendant Tara Sam has engaged in the
22 marketing, manufacture, distribution, duplication, and/or sale of infringing copies of
23 Moon Pendant No. 3.

24 51. Upon information and belief, Defendant Tara Sam has sold unauthorized and
25 infringing copies of at least Moon Pendant No. 3, which bear a design that is substantially
26 similar – if not strikingly similar – to the authentic Moon Pendant No. 3 at retail, at
27 wholesale, and through retailers, including Etsy.com. The infringement is so brazen that
28 it copies LA Gem’s Designer’s cursive handwriting. All of the foregoing acts occurred

without LA Gem's consent.

52. Upon information and belief, Defendant Tara Sam has sold the unauthorized infringing copies of Moon Pendant No. 3 to the public, and customers in this district, at retail, at wholesale, and through retailers, including Etsy.com.

COMMON ALLEGATIONS RELATED TO
MOON PENDANT NO. 4

53. In 2013, LA Gem created its original design entitled LA Rocks I Love You to the Moon and Back: 451665, et al., including its Design No. 451709CL ("Moon Pendant No. 4"), as pictured below:



54. Thereafter, LA Gem sought to register the copyright in Moon Pendant No. 4 with the United States Copyright Office, and was granted such registration on November 27, 2013, under Registration No. VA 1-889-402.

55. At all relevant times, LA Gem complied in all respects with the Copyright Act, 17 U.S.C. § 101, *et seq.*, and secured the exclusive rights and privileges in and to Moon Pendant No. 4. Moon Pendant No. 4 is an original work copyrightable under the Copyright Act, and has been registered in full compliance with the Copyright Act.

56. Since the creation of Moon Pendant No. 4, LA Gem has been and still is the sole proprietor of all rights, title, and interest in and to the copyright therein and Certificates of Registration corresponding therewith.

57. Since its creation, Moon Pendant No. 4 has been manufactured and/or distributed by LA Gem or under its authority.

58. LA Gem has not authorized Defendants to copy, reproduce, manufacture,

1 duplicate, disseminate, or distribute Moon Pendant No. 4 or any jewelry products
2 substantially similar thereto.

3 59. Upon information and belief, Defendant Tara Sam has engaged in the
4 marketing, manufacture, distribution, duplication, and/or sale of infringing copies of
5 Moon Pendant No. 4.

6 60. Upon information and belief, Defendant Tara Sam has sold unauthorized and
7 infringing copies of at least Moon Pendant No. 4, which bear a design that is substantially
8 similar – if not strikingly similar – to the authentic Moon Pendant No. 4 at retail, at
9 wholesale, and through retailers, including Etsy.com. The infringement is so brazen that
10 it copies LA Gem’s Designer’s handwriting. All of the foregoing acts occurred without
11 LA Gem’s consent.

12 61. Upon information and belief, Defendant Tara Sam has sold the unauthorized
13 infringing copies of Moon Pendant No. 4 to the public, and customers in this district, at
14 retail, at wholesale, and through retailers, including Etsy.com.

15
16 **COMMON ALLEGATIONS RELATED TO**
17 **MOM PENDANT NO(S) 1 AND 2**

18 62. In 2013, LA Gem created its original design entitled LA Rocks I Love You
19 to the Moon and Back: 451711CL, et al., including its Design No. 451713 (“Mom
20 Pendant No. 1”), as pictured below:



26 63. Thereafter, LA Gem sought to register the copyright in Mom Pendant No. 1
27 with the United States Copyright Office, and was granted such registration on November
28 25, 2013, under Registration No. VA 1-889-369.

64. At all relevant times, LA Gem complied in all respects with the Copyright Act, 17 U.S.C. § 101, *et seq.*, and secured the exclusive rights and privileges in and to Mom Pendant No. 1. Mom Pendant No. 1 is an original work copyrightable under the Copyright Act, and has been registered in full compliance with the Copyright Act.

65. In 2014, LA Gem created its original design entitled LA Rocks I Love You to the Moon and Back Collection: 453547 (“Mom Pendant No. 2”), which is a derivative work of Mom Pendant No. 1, as pictured below:



66. Since the creation of Mom Pendant Nos. 1 and 2 (collectively, “Mom Pendants”), LA Gem has been and still is the sole proprietor of all rights, title and interest in and to the copyrights therein.

67. Since their creation, the Mom Pendants have been manufactured and/or distributed by LA Gem or under its authority.

68. LA Gem has not authorized Defendants to copy, reproduce, manufacture, duplicate, disseminate, or distribute the Mom Pendants or any jewelry products substantially similar thereto.






69. Upon information and belief, Defendants Jetani, Aisin Cathay, Kindere, Ellis, Tran Sok, and Liu have engaged in the marketing, manufacture, distribution, duplication, and/or sale of infringing copies of the Mom Pendants.

70. Upon information and belief, Defendants Jetani, Aisin Cathay, Kindere, Ellis, Tran Sok, and Liu have sold unauthorized and infringing copies of at least the Mom Pendants, which bear a design that is substantially similar – if not strikingly similar – to the authentic Mom Pendants at retail, at wholesale, and through retailers. The infringement is so brazen that it copies LA Gem’s Designer’s cursive handwriting. All of

the foregoing acts occurred without LA Gem's consent.

71. Upon information and belief, Defendants Jetani, Aisin Cathay, Kindere, Ellis, Tran Sok, and Liu have sold the unauthorized infringing copies of Mom Pendants to the public, and customers in this district, at retail, at wholesale, and through retailers, including the Etsy.com website.

72. For the Court's convenience, the following table sets forth Plaintiff's designs at issue (collectively "Subject Designs") and the currently known infringers' identities:

L.A. Gem Copyrighted Design	Infringing Defendants
<p data-bbox="365 682 787 745"><u>Moon No. 1</u> Registration No.: VA 1-912-320</p> 	<ul style="list-style-type: none"> <li data-bbox="958 682 1469 714">Robin Milliman, dba EmmasAngels <div data-bbox="922 745 1429 955">  </div> <ul style="list-style-type: none"> <li data-bbox="958 976 1453 1008">Misty Pellew, dba ThePeapodShop <div data-bbox="1006 1039 1266 1249">  </div> <ul style="list-style-type: none"> <li data-bbox="958 1270 1396 1302">Sonal Jetani, dba SonuDesigns <div data-bbox="1031 1333 1258 1543"> <p data-bbox="1031 1333 1258 1354">sonu designs.etsy.com</p>  </div> <ul style="list-style-type: none"> <li data-bbox="958 1606 1307 1669">Gabrielle McGrew, dba SimpleDesignGM <div data-bbox="974 1690 1396 1890">  </div>

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 10517 West Pico Boulevard
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 (310) 226-7878

- Sijia Yu, dba Lana Para



- Lana Para, Inc.



- Aisin Cathay, Inc.



- Kindere & Company Corporation



- Kathie Yang, dba KatteeShop



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- Diana Ellis, dba Jadoos



- Wiwanya Sussdorf aka Vicky S. dba GreatLakesShop



- Giovanni Aller, dba FioandCo



- Hang Tran Sok, dba CreativeCharms4U



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10517 West Pico Boulevard
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- Beatriz Robinson, dba Camafeus



- Chiliang Liu, dba Bobo4957



- Ariel Fleischman, dba AdornedWithLoveXO



Moon No. 2

Registration No.: VA 1-912-297



- Aisin Cathay, Inc.



- Kindere & Company Corporation



Moon No. 3
Registration No.: VA 1-942-726



- Tara Sam aka Tara Bling aka Tara Shah dba TheBlingStore



Moon No. 4
Registration No.: VA 1-889-402



- Tara Sam aka Tara Bling aka Tara Shah dba TheBlingStore



Mom No. 1
Registration No.: VA 1-889-369



- Sonal Jetani, dba SonuDesigns
sonu.designs.etsy.com



Mom No. 2
Service Request No: 1-1990856789



- Aisin Cathay, Inc.



- Kindere & Company Corporation



- Diana Ellis, dba Jadoos



- Hang Tran Sok, dba CreativeCharms4U



- Chiliang Liu, dba Bobo4957



First Cause Of Action

(Copyright Infringement)

73. LA Gem hereby realleges and incorporates the allegations in paragraphs 1 through 72 of this Complaint as if fully set forth herein.

74. Defendants' acts constitute infringement of LA Gem's copyright in Moon Pendant Nos. 1, 2, 3 and 4, and the Mom Pendants (collectively, "LA Gem's Pendants") in violation of the Copyright Act, 17 U.S.C. § 101, *et seq.*

75. LA Gem is informed and believes that Defendants' manufacture, distribution, duplication and/or sale of infringing copies of LA Gem's Pendants was deliberate, willful, malicious, oppressive, and without regard to LA Gem's proprietary rights.

76. Defendants' copyright infringement has caused, and will continue to cause LA Gem to suffer substantial injuries, loss, and damage to its proprietary and exclusive rights to the copyright in LA Gem's Pendants and further, has damaged LA Gem's business reputation and goodwill, diverted its trade, and caused loss of profits, all in an amount not yet determined. In addition, LA Gem is entitled to receive the profits made by Defendants from their wrongful acts pursuant to 17 U.S.C. § 504. Alternatively, LA Gem is entitled to recover statutory damages, on election by LA Gem in an amount of up to \$150,000 per copyright registration.

77. Defendants' copyright infringement and the threat of continuing infringement has caused, and will continue to cause, LA Gem repeated and irreparable injury. It would be difficult to ascertain the amount of money damages that would afford LA Gem adequate relief at law for Defendants' acts and continuing acts. LA Gem's remedy at law is not adequate to compensate it for the injuries already inflicted and further threatened by Defendants. Therefore, LA Gem is entitled to preliminary and permanent injunctive relief pursuant to 17 U.S.C. § 502, and to an order under 17 U.S.C. § 503 and 28 U.S.C. § 1651(a) that the infringing copies of LA Gem's Pendants, and all molds by which such infringing copies were produced, be seized, impounded, and destroyed.

78. LA Gem is also entitled to recover its attorneys' fees and cost of suit pursuant to 17 U.S.C. § 505.

Second Cause of Action

(Contributory and/or Vicarious Copyright Infringement)

79. LA Gem hereby realleges and incorporates the allegations in paragraphs 1 through 78 of this Complaint as if fully set forth herein.

80. LA Gem is informed and believes, and thereon alleges, that Defendants, and each of them, knowingly induced, participated in, aided and abetted, and resultantly profited from the illegal reproduction, importation, purchase, distribution, and/or sale of

1 products bearing LA Gem's Pendants as alleged in this Complaint.

2 81. LA Gem is informed and believes, and thereon alleges, that Defendants, and
3 each of them, are vicariously liable for the copyright infringement alleged in this
4 Complaint because they had the right and the ability to supervise such infringement and
5 because they had a direct financial interest in the infringing conduct.

6 82. By virtue of Defendants' contributory and/or vicarious copyright
7 infringement, LA Gem has suffered substantial damages to its business in an amount to
8 be established at trial.

9 83. By virtue of Defendants' contributory and/or vicarious copyright
10 infringement, LA Gem has suffered general and special damages in an amount to be
11 established at trial.

12 84. By virtue of Defendants' contributory and/or vicarious copyright
13 infringement, Defendants, and each of them, have obtained direct and indirect profits that
14 they would not have realized but for their infringement of LA Gem's Pendants. As such,
15 LA Gem is entitled to disgorgement of Defendants' profits that are directly and indirectly
16 attributable to their acts of infringement in an amount to be established at trial.

17 85. LA Gem is informed and believes, and thereon alleges, that Defendants, and
18 each of them, have continued to import, manufacture, cause to be manufactured, and/or
19 sell the infringing product with knowledge that such acts violated LA Gem's intellectual
20 property rights. Therefore, Defendants' acts of copyright infringement as alleged above,
21 were and continue to be, willful, intentional, and malicious, subjecting Defendants, and
22 each of them, to liability for statutory damages under 17 U.S.C. § 504(c)(2) in the sum of
23 up to one hundred fifty thousand dollars (\$150,000) per each act of infringement.
24 Further, Defendants, and each of them, willfully and intentionally misappropriated,
25 palmed-off, and/or infringed LA Gem's Pendants, which renders Defendants, and each of
26 them, liable for statutory damages as described above. Within the time permitted by law,
27 LA Gem will elect between actual or statutory damages.
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff LA Gem prays for judgment against Defendants as follows:

A. That the Court enter a judgment against Defendants that Defendants have infringed the rights of LA Gem in LA Gem's federally registered copyrights under 17 U.S.C. § 501 and/or that LA Gem's pending copyright application(s) are valid and entitled to protection.

B. That the Court issue a Preliminary Injunction enjoining and restraining Defendants and their respective agents, servants, employees, successors and assigns, and all other persons acting in concert with or in conspiracy with or affiliated with Defendants, from:

- i. manufacturing, producing, selling, distributing, destroying, altering, or otherwise disposing of any jewelry that is in the possession of Defendants that is substantially similar to LA Gem's Pendants;
- ii. destroying any documents, electronic files, wax models, molds, business records, or any other tangible object pertaining to the copying, reproduction, manufacture, duplication, distribution, or advertisement of any such jewelry; and,
- iii. engaging in any other activity constituting an infringement of LA Gem's copyrights of LA Gem's Pendants.

C. That LA Gem be awarded damages for Defendants' copyright infringement either: (i) actual damages in an amount to be determined at trial, together with Defendants' profits derived from its unlawful infringement of LA Gem's copyrights; or (ii) statutory damages in an amount provided by law, as set forth in 17 U.S.C. § 504, at LA Gem's election before the entry of final judgment, together with prejudgment and post-judgment interest.

D. That the Court issue a Permanent Injunction enjoining and restraining Defendants and their respective agents, servants, employees, successors and assigns, and

1 all other persons acting in concert with or in conspiracy with or affiliated with
2 Defendants, from copying, reproducing, manufacturing, duplicating, disseminating,
3 distributing, or using LA Gem's Pendants or any other jewelry that infringes LA Gem's
4 copyrights.

5 E. That the Court award LA Gem its reasonable attorneys' fees pursuant to 17
6 U.S.C. § 505.

7 F. That the Court award LA Gem its costs of suit incurred herein.

8 G. That LA Gem be awarded such other relief as may be appropriate.

9
10 Dated: March 25, 2016

Respectfully submitted,

11 **MILORD & ASSOCIATES, P.C.**

12
13 /s/ Milord A. Keshishian

14 Milord A. Keshishian

15 Attorneys for Plaintiff

16 L.A. GEM & JEWELRY DESIGN, INC.

MILORD & ASSOCIATES, PC
10517 West Pico Boulevard
Los Angeles, CA 90064
(310) 226-7878

DEMAND FOR JURY TRIAL

Plaintiff, through its attorneys of record, hereby demands trial by Jury.

Dated: March 25, 2016

MILORD & ASSOCIATES, P.C.

/s/ Milord A. Keshishian

Milord A. Keshishian

Attorneys for Plaintiff

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